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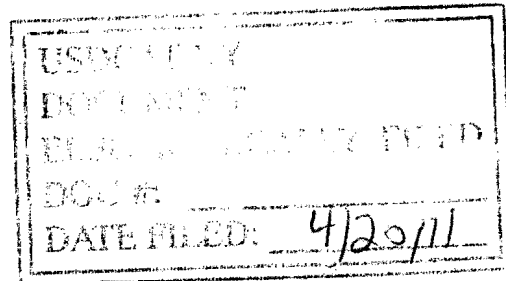
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April 19, 2011

Via LNFS and Email

Honorable Shira A. Scheindlin
United States District Judge
U.S. District Court for the Southern District of
New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1620
New York, NY 10007



Re: *In re MTBE Products Liability MDL 1358*
This document relates to *Orange County Water District v. Unocal Corp., et al.*

Dear Judge Scheindlin:

In support of its Motion for Partial Summary Judgment re: Nuisance, Trespass, and OCWD Act Claims (the "Motion"), the Orange County Water District (the "District") submitted a Reply brief that changed the basis for its nuisance claim. In short, the District no longer claims that affirmative acts by Defendants created a nuisance, but rather the Defendants' alleged inactions in failing to reasonably abate the contamination at the sites makes them liable for nuisance. Defendants did not address this argument in their Opposition because the District did not raise it in its original moving papers. In any event, there is no evidence (and certainly no undisputed evidence) to support the District's latest argument. Additionally, the cases on which the District relies for this new argument are inapposite. Defendants therefore respectfully request leave to file a brief sur-reply, a copy of which is attached, to explain why the District's Motion still fails and should be denied.

Thank you for your consideration.

Very truly yours,

Charles Correll / by permission
Charles C. Correll, Jr.

CCC/tyk

cc: All Counsel Via LNFS

Defendants' request to file a sur-reply is granted. No further briefing in any form will be allowed for this Motion

*Dated: April 20, 2011
New York, New York*

SO ORDERED:

Shira A. Scheindlin U.S.D.J.